

A Regular Meeting of the Marilla Town Board was held May 12, 2005 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Warren Handley, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

Communications were received and read from:

- a. NYS Department of Transportation approved the speed reduction on Two Rod Road from Clinton Street to the Alden Town Line to 45 mph.
- b. Resident Bud Pearce of Eastwood Road requested appointment to the Conservation Advisory Board.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that they had completed town wide rubbish pick-up and will start getting the Town Park ready for opening day. We have to stain the new park shelter and prepare it for concrete.

Councilman Spanitz reported that the next Planning Board Meeting will be held May 19<sup>th</sup> at 7:00 p.m. in the Town Hall. The Planning Board is coming along nicely with the explanation of flag lots and in June we will be having a joint meeting with the Town Board and Planning Board on the 16<sup>th</sup>.

Councilman Handley stated that anyone that is interested in participating in the Memorial Day Parade should let him know as soon as possible. The celebration will be held on Monday, May 30<sup>th</sup>, the lineup will be at 10:30 on Tomarsue. The Pavilion Committee is in the process of ordering picnic tables and garbage receptacles for the Pavilion area. He reported that the CAB would like to be part of the meeting with the Town Board and Planning Board on June 16<sup>th</sup> to discuss flag lots.

Supervisor Foss reported that the County Comptroller and County Executive suggested that the County charge Towns and Villages for the Sheriffs Patrol services to help solve their financial problems. His answer to them is we will not pay them one dollar. He feels the Sheriffs do a wonderful job and have a great presence out here but we also have the State Police. It seems that the County Executive and County Comptroller seem most interested in doing damage to the Towns and Villages outside the County, we still haven't received our snow plowing money from the County nor do we have a contract for snow plowing for the coming year. The Comptroller now stated that she will send out the sales tax revenue to the Towns once every three months, there are other payments they still owe us. Here we are in the middle of May and they still don't know where they stand financially and can't figure out what their loss is for 2005; either 60 million or 113 million. Our Town Board members have the financial report each month for the previous month, so we know exactly where we are at. He doesn't believe the County can't do the same thing with the computers and staffing they have. They should look at what governments are being properly run; our bills are paid we know where we are going and what we are doing and handle our problems on a day to day basis not year by year.

### **Open Board Presentations From the Public**

Resident Gloria Specht of Eastwood Road wondered if the County has a problem with the efficiency of Towns and Villages. She also asked what is going on with the land in town becoming a town park? She stated we have one of the area's best Town Parks as well as the Memorial Pavilion Park and a playground up at the school she doesn't feel a small town such as ours warrants another Park with added costly upkeep.

Supervisor Foss responded that other residents have voiced the same concerns. The Town Board met with Earl Gingerich Jr. and Leonard Janiga at a work session to discuss them donating land to the Town and the Marilla Fire Company if the Town would make it into a park. Even with the donation of the land this project does have some costs; the closing cost would be approximately \$5,000, demolition of an old barn could be another \$5,000, insurance costs, the land would also have to come off the tax rolls, we've offered to provide limited architectural support, and the most expensive part is the construction of it. We have formed a committee to come up with estimations of costs and then the Town Board can make a better determination. The cost to maintain our Town Park on Three Rod Road depending on the year and equipment needed can be anywhere from \$50,000 to 70,000. The Town Board will not vote on anything without more information and there will also have to be some public hearings.

Town Attorney Nathan Neill stated that if the project was going to be funded for over more then five years we would have to have a public permissive referendum.

Supervisor Foss stated that the committee will consist of 2 from the CAB, 2 from the Town Board, 2 from the Fire Company and one from the families of Earl Gingerich Jr. and Leonard Janiga.

Resident Debbie Specht Gardon commented that its interesting that this year the two individuals who are donating the land are also running for office. She also asked if there were any legalities about the Town and the Fire Company owning properties together?

Town Attorney Nathan Neill responded that he doubted it would be allowed but it must be looked into.

Town Resident and Assessor Kandace Wittmeyer stated that she heard on the news that the County wants to have a Control Board. Why doesn't Mr. Giambra draw information from the Supervisors in the towns that run in the black and get ideas from them?

Supervisor Foss responded that they don't really want to sit down and discuss the problems with the Supervisors of Towns and Villages. The best ones have been Sheriff Gallivan and the District Attorney, they have been very good about coming and explaining their positions and what they would do and they both said they were not going to dessert the Towns and the Villages. We need a District Attorney to come and prosecute the cases such as DWI or misdemeanors.

Resident and Planning Board Member Dan Handy asked if the property in question (proposed donated park) could not have senior housing on it?

Supervisor Foss responded only if it was rezoned to medium density housing.

### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Regular Board Meeting held on 4/14/05. Motion Carried.

### **New Business**

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve lowest quote from J. Pearce and Sons to do the concrete work on the new shelter at the Town Park. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to approve cost of fireworks display at the Firemens Carnival at a cost not to exceed \$5,000. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize Town Assessor Kandace Wittmeyer and Town Clerk/ Tax Collector Dawn Flanigan to attend a class on Property Tax Policy at Genesee Community College from June 13<sup>th</sup> to June 17<sup>th</sup>. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to authorize the Supervisor to sign a contract with Good Riddance, located at 2663 Seneca Street, West Seneca to spray the Town Park and the Memorial Pavilion 3 times for the 2005 season for protection against wasps, hornets and spiders at a cost of \$805. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town of Marilla has enacted a local law prohibiting peddling and soliciting on public property within the right-of-way of any road, street or highway during prohibited periods, which law is codified as Chapter 149 of the Code of the Town of Marilla; and

WHEREAS, the Code provides that the Town Board annually establish by resolution specific dates and periods of times during which peddling and soliciting is prohibited for that particular year

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

Section 1. The Town Board does hereby determine that peddling and soliciting shall be prohibited within the right-of-way or any road, street or highway during the period beginning at 12:01 a.m. on June 9, 2005 and ending at midnight on June 12, 2005.

Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Deputy Supervisor Specht - Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Bud Pearce to the Conservation Advisory Board to fulfill the un-expired term of Mary Beth Wolf to end 12/31/2005. Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak reported that for the proposed Water District V located in the north east corner of Town had a response rate of 87.3% on the surveys that were sent out and the median household income associated with those responses was \$49,500 which is within the Rural Development funding guidelines. This information is being forwarded to Rural Development and we will hopefully have a response soon.

Building Inspector John Fronczek submitted a written report with 10 building applications received with fees totaling \$1,060.00, 10 building permits issued with a total value of \$390,200.00, 22 inspections were made and no complaints were received for the month of April 2005. Two Zoning Applications were issued for the sum of \$250. The Code Enforcement log indicates a total 172 activities.

Town Attorney Nathan Neill commented that in reference to the Town and Fire Company co-owning property he knows that one can own and the other lease from the owner because this is being done in Newstead.

Town Assessor Kandace Wittmeyer Reported that the Tax Roll is closed and change of assesment notices will be going out next week.

Planning Board Member Dan Handy stated that the minutes are posted and the next meeting will be May 19, 2005 at 7:00 p.m., they will be working on the final draft of the flag lot ordinances.

The Conservation Advisory minutes have been received and posted.

George Gertz reported for the Marilla Fire Company that the Firemen’s Carnival will be held from June 9<sup>th</sup> thru June 11<sup>th</sup> . He stated that hopefully they will catch up on installing the house number signs we are waiting for supplies.

**Open Board Presentations**

Supervisor Foss wished everyone a happy Spring.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 144-188	\$ 44,942.33
Highway Fund Claims, Vouchers 76-99	\$ 13,866.76
Special Districts	
Sanitation (SR), Vouchers 41-51	\$ 9,384.33
Special Fire Voucher 3	\$ 17,974.62
Water District #2, Vouchers 11-12	\$ 2,643.10
Water District #3 Voucher 4	\$ 1,353.40
Water District #4 Voucher 4	\$ 817.40
Community Develp. PACE Voucher	\$ .00
Community Develp. HUD	\$ .00

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to adjourn the meeting at 7:58 p.m. Motion Carried.

Respectfully submitted,

_____Town Clerk	_____Supervisor
_____Councilman	_____Councilman
_____Councilman	_____Councilman